

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

)
) Chapter 9
)
) Case No. 13-53846
)
) Hon. Steven W. Rhodes
)
) **Expedited Consideration**
) **Requested**

***EX PARTE* MOTION OF SYNCORA GUARANTEE INC.
AND SYNCORA CAPITAL ASSURANCE INC. TO EXPEDITE
DEBTOR’S COUNTER-DESIGNATION OF THE RECORD**

Syncora Guarantee Inc. and Syncora Capital Assurance Inc. (collectively “Syncora”) submit this *Ex Parte Motion to Expedite Debtor’s Counter-Designation of the Record* and respectfully represent as follows:

Jurisdiction and Venue

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

Relief Requested and Basis for Relief

2. Pursuant to Bankruptcy Rule 9006(c) and Local Bankruptcy Rule 9006-1(b), this Court may, *ex parte*, shorten the time period provided by Bankruptcy Rule 8006 for a party to take any action or file any paper. Syncora respectfully requests that the Court expedite the Debtor’s counter-designation of the record in Syncora’s appeal, and require that such counter-designation be filed

on or before September 3, 2014.

3. On August 21, 2014, Syncora filed in this Court a Motion for Clarification of Post-Confirmation Procedures in an effort to determine whether the presumptive 14-day stay of any confirmation order provided for by Bankruptcy Rule 3020(e) will apply in this case. *See* Bankr. Dkt. No. 6946.

4. On August 25, 2014, this Court denied Syncora's motion, concluding that "consideration of this issue is entirely premature at this time" because "should the Court enter a confirmation order in this case, the Court [will] give all parties an opportunity to be heard on this issue at that time." Bankr. Dkt. No. 7034.

5. On August 26, 2014, Syncora timely filed a notice of appeal from this Court's order denying the Motion for Clarification and its designation of the record on appeal. *See* Bankr. Dkt. Nos. 7080, 7083. Pursuant to Bankruptcy Rules 8006 and 9006(f), the Debtor now must file its counter-designation of the record on or before September 12, 2014.

6. Cause exists here to expedite the Debtor's counter-designation of the record. The plan of adjustment proposed by the Debtor would dispense with the presumptive 14-day stay of any order confirming the plan, *see* Fed. R. Bankr. P. 3020(e), thereby potentially allowing the confirmed plan to be substantially consummated at once and frustrating the appellate courts' ability to consider whether a stay pending appeal is warranted. Without a definitive ruling on that

proposal early in the confirmation process, no party aggrieved by the final confirmed plan—potentially including Syncora—will know whether the presumptive 14-day stay will apply here before it is too late to do anything about it. Accordingly, because the confirmation hearing will commence on August 29, 2014, an expedited timetable for the Debtor’s counter-designation of the record is necessary in order to provide the appellate courts with sufficient time to review this Court’s August 25, 2014 order and provide meaningful relief.

7. Syncora will serve this *ex parte* motion to the parties in the above-captioned proceedings and will provide notice of the *ex parte* order upon issuance pursuant to E.D. Mich. LBR 9006-1(b).

Conclusion

WHEREFORE, Syncora respectfully requests that the Court enter an Order, substantially in the form attached as Exhibit 1, granting the relief requested in this motion and granting such further relief as this Court deems appropriate.

Dated: August 27, 2014

Respectfully submitted,

KIRKLAND & ELLIS LLP

By: /s/ Ryan Blaine Bennett

James H.M. Sprayregen, P.C.

Ryan Blaine Bennett

Stephen C. Hackney

KIRKLAND & ELLIS LLP

300 North LaSalle

Chicago, Illinois 60654

Telephone: (312) 862-2000

Facsimile: (312) 862-2200

- and -

Stephen M. Gross

David A. Agay

Joshua Gadharf

MCDONALD HOPKINS PLC

39533 Woodward Avenue

Bloomfield Hills, MI 48304

Telephone: (248) 646-5070

Facsimile: (248) 646-5075

*Attorneys for Syncora Guarantee Inc. and
Syncora Capital Assurance Inc.*